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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/762,916	06/29/2001	Arie Otte	2799/64201	9696	
75	590 02/24/2003				
Amster Rothstein & Ebenstein			EXAMINER		
90 Park Avenue New York, NY 10036			MCKELVEY, T	MCKELVEY, TERRY ALAN	
			ART UNIT	PAPER NUMBER	
			1636	11	
			DATE MAILED: 02/24/2003	11	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Office Action Comme	09/762,916	OTTE, ARIE				
Office Action Summary	Examiner	Art Unit				
71 444 140 24 24 24	Terry A. McKelvey	1636				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REP THE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a re - If NO period for reply is specified above, the maximum statutory perio - Failure to reply within the set or extended period for reply will, by state - Any reply received by the Office later than three months after the mail eamed patent term adjustment. See 37 CFR 1.704(b).	1. 1.136(a). In no event, however, may a reply be tirely within the statutory minimum of thirty (30) day do will apply and will expire SIX (6) MONTHS from the cause the application to become ARANDONE.	nely filed s will be considered timely. the mailing date of this communication.				
Status						
1) Responsive to communication(s) filed on						
<u> </u>	This action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims						
4) Claim(s) <u>25-50</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)☐ Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) 25-50 are subject to restriction and/or election requirement.						
Application Papers						
9) The specification is objected to by the Examiner.						
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
11)☐ The proposed drawing correction filed on is: a)☐ approved b)☐ disapproved by the Examiner.						
If approved, corrected drawings are required in reply to this Office action.						
12) The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) ☐ All b) ☐ Some * c) ☐ None of:						
1.☐ Certified copies of the priority documen						
2. Certified copies of the priority documents have been received in Application No						
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received.						
15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.						
Attachment(s)						
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informal Page	(PTO-413) Paper No(s) atent Application (PTO-152)				
U.S. Patent and Trademark Office PTO-326 (Rev. 04-01) Office A	ction Summary	Part of Paper No. 11				

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DETAILED ACTION

Applicant's election without traverse of Group I, claims 25-49 in Paper No. 10, filed 12/2/02 is acknowledged. However, upon further review and consideration of the application, it was determined that a further election of species within Group I is appropriate, which is set forth below. The examiner apologizes for the examination delay caused by the new election of species requirement.

Election/Restrictions

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

DNA sequence involved in the induction of genetranscription repressing chromatin. The different species are drawn to the claimed method using the different species of DNA sequences. Pick one species from the following, for example:

DNA sequence that is recognized by a heterochromatin-binding protein comprising HP1, DNA sequence that is recognized by a complex comprising a Polycomb-group protein, DNA sequence that

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is recognized by a complex possessing a histone deacetylase activity, DNA sequence that is recognized by a protein complex comprising MeCP2, DNA sequence that is recognized by LexA, and DNA sequence that is recognized by Gal4.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The following claim(s) are generic: claims 25-38 and 43-49.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: The different species are drawn to the use of different DNA sequences involved in the induction of gene-transcription repressing chromatin,

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which sequences have sequences and structures different from each other and thus lack the same or corresponding special technical features.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Conclusion

Certain papers related to this application may be submitted to Art Unit 1636 by facsimile transmission. The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 C.F.R. § 1.6(d)). The official fax telephone numbers for the Group are (703) 308-4242 and (703) 305-3014.

NOTE: If Applicant does submit a paper by fax, the original signed copy should be retained by applicant or applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED so as to avoid the processing of duplicate papers in the Office.

Any inquiry concerning rejections or other major issues in this communication or earlier communications from the examiner should be directed to Terry A. McKelvey whose telephone number is (703) 305-7213. The examiner can normally be reached on Monday through Friday, except for Wednesdays, from about 7:30 AM

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to about 6:00 PM. A phone message left at this number will be responded to as soon as possible (i.e., shortly after the examiner returns to his office).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Remy Yucel can be reached on (703) 305-1998.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Terry A. McKelvey, Ph.D.

Jeny a Witchen

Primary Examiner Art Unit 1636

February 20, 2003